

PROB 12C
(12/04)

UNITED STATES DISTRICT COURT

FILED
Clerk
District Court

for

DEC 19 2005

District of the Northern Mariana Islands

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jason Ruluked Case Number: CR 03-00004-001Name of Sentencing Judicial Alex R. MunsonDate of Original Sentence: July 08, 2003Original Offense: Obstruction of Justice, 18 U.S.C. § 1503 and False Statements, 18 U.S.C. § 1001

Original Sentence: 33 months imprisonment followed by three years supervised release with conditions to include that the defendant shall not possess a firearm, destructive device, or any other dangerous weapons; not commit another federal, state, or local crime; not use or possess illegal controlled substances and submit to one urinalysis within 15 days of release from imprisonment and to two more thereafter; refrain from the use of any and all alcoholic beverages; participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include the testing for the detection of substance use or abuse; obtain or maintain gainful employment; perform 300 hours of community service; obtain a high school diploma or its equivalent; make arrangements to pay his creditors outlined in the presentence report. On October 13, 2005, supervised release conditions were modified to include a sanction of 200 additional hours of community service.

Type of Supervised Release Date Supervision Commenced: June 20, 2005Assistant U.S. Timothy E. Moran Defense Attorney: Loren Sutton

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1 Special Condition (6)	Failure to participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse;
2 Special Condition	Failure to pay a special assessment fee of \$200.
3 Standard Condition (2)	Failure to report to the probation officer and submit a truthful and complete written report within the first five days of each month;
4 Standard Condition (3)	Failure to answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer.

U.S. Probation Officer Recommendation:


☒ The term of supervision should be☒ revoked.☐ _____ years, for a total term of _____ years.☐ The conditions of supervision should be modified as follows:

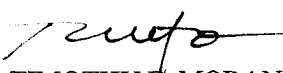
*See attached Declaration in Support of Petition by
USPO Margarita DLG. Wonenberg*

Reviewed by:

Reviewed by:

I declare under penalty of perjury
that the foregoing is true and correct.


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader


TIMOTHY E. MORAN
Assistant U.S. Attorney


MARGARITA DLG. WONENBERG
U.S. Probation Officer

Date: 12/16/05Date: 12-16-05Executed on: 12-16-05

THE COURT ORDERS:

☐ No action.☐ The issuance of a warrant.☒ The issuance of a summons.☐ Other

for 12-21-05 at 9:00 a.m.


Signature of Judicial Officer

12-19-2005
Date

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

United States of America)	USDC Cr. Cs. No. 03-00004-001
Plaintiff,)	
)	
)	DECLARATION IN SUPPORT OF PETITION
vs.)	
)	
Jason Ruluked)	
Defendant.)	
_____)	

I, U.S. Probation Officer Margarita DLG Wonenberg, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Jason Ruluked, and in that capacity declare as follows:

On July 8, 2003, Mr. Ruluked was sentenced to 33 months imprisonment followed by three years supervised release for the offense of Obstruction of Justice, in violation of 18 U.S.C. § 1503, and False Statements, in violation of 18 U.S.C. § 1001. On October 13, 2005, supervised release conditions were modified to include a sanction of 200 additional hours of community service. Mr. Ruluked commenced his term of supervised release on June 20, 2005. He is alleged to have violated the following conditions:

Special Condition: *That the defendant shall participate in a substance abuse treatment program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse. The defendant shall also make co-payment for treatment at a rate to be determined by the U.S. Probation Office.*

Ruluked failed to show for drug testing as scheduled by Marianas Psychiatric Services on October 21, 25, 28, and 31, 2005. He failed to show on November 1, 4, and 14, 2005, and also on December 3, 2005.

Special Condition: *That the defendant shall pay a special assessment fee of \$200.*

In a hearing for a violation of supervised release conditions held on October 13, 2005, Ruluked was instructed to pay \$50 toward his special assessment fee no later than October 21, 2005, and \$50 biweekly thereafter until the full amount of \$200 was satisfied. Records from the Clerk of Court,

Declaration in Support of Petition

Re: Ruluked, Jason

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United States District Court indicated that on November 1, 2005, Ruluked made a payment of \$50. As of December 9, 2005, Ruluked has not made any further payments and balance of his court ordered fee remains at \$150.

Standard Condition: *The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.*

On October 28, 2005, this probation officer met Jason Ruluked by chance in the parking lot of Joeten Shopping Center in Garapan. Ruluked approached this officer and stated that he knew that the officer had been trying to reach him and he wanted to know why. This officer informed Ruluked that he needed to report to the probation office for a noncompliance meeting the following day. Ruluked was then instructed to report to the probation office on October 31, 2005. Ruluked failed to follow instructions when he did not report as instructed by this officer.

Standard Condition: *The defendant shall report to the probation officer and submit a truthful and complete written report within the first five days of each month.*

Ruluked failed to submit a monthly report for the month of November 2005 which was due on December 5, 2005. Ruluked was reminded on several occasions of the importance of submitting timely monthly reports.

Officer Intervention: On October 14, 2005, Jason Ruluked was returned to Phase I of the Substance Abuse Treatment Program. He was instructed to report to the Department of Lands and Natural Resources on October 28, 2005 to begin working community service hours. Following reports that he failed to report to community service and failed to submit to his substance abuse treatment program, this officer met with Ruluked on November 1, 2005 and confronted him with his noncompliance. He consented to a graduated sanction to address his noncompliance and agreed to submit to home confinement for three months. A home assessment was conducted on November 4, 2005 and his residence was found to be in compliance with the electronic monitoring standards of the home confinement program. However, on November 7, 2005, this officer received information from the telephone subscriber, namely, Ruluked's mother, Emmaculada Kapileo, that the family is unable to terminate internet services to the residence. This will not conform to the standards of the home confinement program.

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Supervision Compliance: Verifications with the Department of Lands and Natural Resources Division of Agriculture, Forestry Section showed that Jason Ruloked is compliant with his community service schedule and as of December 9, 2005, he satisfied 200 out of 436 hours.


Officer Recommendation: This probation officer respectfully requests that the Court issue a Summons for Jason Ruloked to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why supervise release in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

Executed this 16th day of December 2005, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

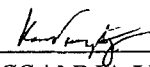
I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

By:


MARGARITA DLG WONENBERG
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Timothy E. Moran, Assistant United States Attorney
Loren Sutton, Defense Attorney
File

VIOLATION WORKSHEET

1. Defendant Jason Ruluked
2. Docket Number (Year-Sequence-Defendant No.) CR 03-00004-001
3. District/Office Northern Mariana Islands
4. Original Sentence Date 07 / 08 / 03
month day year
- (If different than above):
5. Original District/Office N/A
6. Original Docket Number (Year-Sequence-Defendant No.) N/A
7. List each violation and determine the applicable grade (see §7B1.1(b))

GradeViolation(s)

- Failure to participate in a substance abuse treatment program approved by the U.S. Probation for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse.
- Failure to answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer.
- Failure to report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- Failure to answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer.

CCCC

8. Most Serious Grade of Violation (see §7B1.1(b))

C

9. Criminal History Category (see §7B1.4(a))

I

10. Range of Imprisonment (see §7B1.4(a))

3 - 9 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

☒

(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.



(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.



(c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant: Jason Ruluked

12. **Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>NA</u>	Community Confinement	<u>NA</u>
Fine (\$)	<u>NA</u>	Home Detention	<u>NA</u>
CS	<u>436 hours (200 completed)</u>	Intermittent Confinement	<u>NA</u>

13. **Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: _____ to _____ years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment: 27-33 months

14. **Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

15. **Official Detention Adjustment (see §7B1.3(e)):** 0 months 0 days